



State of Washington
PUBLIC DISCLOSURE COMMISSION

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For Immediate Release

Campaign Finance Ruling Appealed to Supreme Court

Olympia -- Mike Connelly, Chair of the Public Disclosure Commission (PDC), urged the State Supreme Court to accept the petition for review of a Court of Appeals decision invalidating a long-standing PDC rule governing campaign contribution limits.

"We believe the court erred when it declared invalid a decade old rule regarding when local units of a membership organization share a single contribution limit and when they do not," Connelly said. "The Commission is pleased that the Attorney General concurred with our recommendation to appeal this case to the Supreme Court."

The rule at issue interprets the law as allowing self-governed local units of entities with a national and state component -- such as unions and trade associations -- to have separate contribution limits for a given candidate, so long as the national and state levels "stay out" of a campaign by not contributing to or making other campaign-related expenditures supporting a candidate.

Connelly said the issue of contribution limits as it relates to independent locals is too important not to have the state high court make the final decision.

"This ruling has statewide significance," Connelly observed. "If left unchallenged, the Court of Appeals decision could adversely affect individuals who collectively participate in the campaign process."

WAC 390-16-311, Automatically Affiliated Entities Maintaining Separate Contribution Limits, was unanimously adopted by the Commission in April of 1994 after months of staff work that included numerous meetings with interested persons and several public discussions. Since the rule's adoption, the Legislature has made no effort to repeal it or otherwise amend the law to nullify the Commission's interpretation.

However, in December of 2000, Mr. Robert Edelman, a private citizen and retired engineer who monitors campaign activity, petitioned the PDC to repeal WAC 390-16-311, arguing that the rule amended the law rather than interpreting it properly. At its February 2001 meeting, Commission members unanimously denied Mr. Edelman's petition, reaffirming the position adopted by their predecessors in 1994.

As provided by state law, Mr. Edelman sought review by the Governor. On April 19, 2001, the Governor also rejected Mr. Edelman's arguments. Mr. Edelman then petitioned for judicial review in Thurston County Superior Court. The superior court dismissed his petition on February 22, 2002, stating that the law could be read in more than one way and Mr. Edelman had not met his burden of proof to invalidate the rule.

Mr. Edelman appealed the trial court's dismissal to the Court of Appeals, Division II. In May 2003, the Court of Appeals reversed the trial court's decision, determining that the law was not ambiguous, and invalidating WAC 390-16-311.

With the timely appeal to the Supreme Court, the Appeals Court decision is effectively stayed pending the high court's decision on whether it will accept review.

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